

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

ULISSIS VERDE LOPEZ

Crim. No. 3:10cr147 (JBA)

March 16, 2015

**RULING GRANTING DEFENDANT’S MOTION FOR REDUCTION IN SENTENCE**

On January 24, 2011, Defendant Ulissis Verde Lopez pled guilty to conspiring to possess with intent to distribute and distributing 5 kilograms or more of cocaine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846. He was sentenced [Doc. # 803] on July 21, 2011 to 144 months’ imprisonment. He now moves [Doc. # 1031], pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782, for a reduction in his sentence. For the following reasons, his motion is granted.

Under 18 U.S.C. § 3582(c)(2), “a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission” may move for a reduction in his sentence. Upon such motion, “a district court must engage in a ‘two-step approach.’” *United States v. Bethea*, 735 F.3d 86, 87 (2d Cir. 2013) (quoting *Dillon v. United States*, 560 U.S. 817, 826 (2010)). “At step one, the court ‘must consider whether the defendant is eligible for a reduction by calculating the Guidelines range that would have been applicable had the amended Guidelines been in place at the time the defendant originally was sentenced.’” *Id.* (quoting *United States v. Wilson*, 716 F.3d 50, 52 (2d Cir. 2013)).

“At step two, ‘§ 3582(c)(2) instructs a court to consider any applicable § 3553(a) factors<sup>1</sup> and determine whether, in its discretion, the reduction . . . is warranted in whole or in part under the particular circumstances of the case.’” *Id.* (quoting *Dillon*, 560 U.S. at 827).

Mr. Lopez contends, and the Government agrees [Doc. # 1033], that he is eligible for a reduction under § 3582(c)(2) based on Amendment 782 to the United States Sentencing Guidelines. That Amendment, effective November 1, 2014, reduced by two levels the offense levels assigned to the quantities of controlled substances that trigger the statutory mandatory minimum penalties in U.S.S.G. § 2D1.1 and made parallel changes to § 2D1.11. Mr. Lopez and the Government agree that applying the Amendment to Mr. Lopez yields an amended sentencing range of 135 to 168 months’ imprisonment.<sup>2</sup> Based on the fact that Mr. Lopez’s original sentence was below the bottom of the applicable guidelines sentencing range, the Probation Office recommends [Doc. # 1027], Mr. Lopez seeks, and the Government does not object to a reduced sentence of 135 months’ imprisonment. The Probation Office notes that there are no public safety factors relevant to Mr. Lopez.

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<sup>1</sup> These factors include:

- (1) The nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed. . . ;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established for. . . ;
- (5) any pertinent policy statement . . . issued by the Sentencing Commission . . . ;
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct;
- (7) the need to provide restitution to any victims of the offense.

<sup>2</sup> The prior range was 168 to 210 months’ imprisonment.

